

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION, INC. and  
E. JEFFREY PEIERLS, individually  
and as trustee,

Plaintiffs,

v.

Civil Action No. 03 CV 12213 EFH

JAMES E. RURKA, MARK SKALETISKY,  
PAUL J. MELLETT,  
RICHARD ALDRICH,  
KATE BINGHAM,  
CHARLES W. NEWHALL III  
DAVID SCHNELL, and  
JOHN P. WALKER,

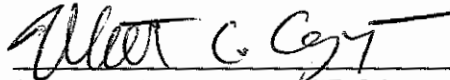
Defendants.

**NOTICE OF WITHDRAWAL OF STEVEN W. HANSEN AND  
MATTHEW C. APPLEBAUM FOR DEFENDANT PAUL J. MELLETT**

Pursuant to Local Rule 83.5.2, we hereby withdraw our appearance for Defendant Paul J. Mellett in this matter. We remain counsel of record for Defendants James Rurka, Mark Skaletsky, Richard Aldrich, Kate Bingham, Charles W. Newhall III, David Schnell and John P. Walker. The requirements of Local Rule 83.5.2 are satisfied in that Michael A. Collora and David M. Osborne of Dwyer & Collora LLP have entered an appearance on behalf of Mr. Mellett; there are no motions pending before the court; no trial date has been set; and no hearings or conferences are scheduled, and no reports, written or oral, are due.

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Respectfully submitted,



Steven W. Hansen (BBO# 220820)

Matthew C. Applebaum (BBO#  
653606)

**Bingham McCutchen LLP**

150 Federal Street

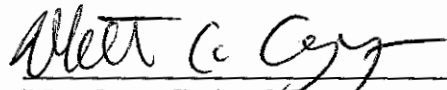
Boston, MA 02110

(617) 951-8000

Dated: September 13, 2005.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 13, 2005, a true and correct copy of the above and foregoing document was served by hand upon counsel for Plaintiffs, David E. Marder, Robins, Kaplan, Miller & Ciresi, L.L.P., 800 Boylston St., Boston, MA 02119 and counsel for Paul J. Mellett, Michael A. Collora, Dwyer & Collora, LLP, 600 Atlantic Ave., Boston, MA 02110; and by Federal Express upon counsel for Plaintiffs Peter G. Koclanes, Netzorg McKeever Koclanes & Bernhardt LLC, 1670 Broadway, Suite 500, Denver, CO 80202.



Matthew C. Applebaum